Table of Contents

IAB # IV2225805

INVESTIGATIVE SUMMARY
IAB CASE # IV 2225805

SUBJECT: Deputy Ernie Serrano, #[redacted]
Field Operations Region II / Marina Del Rey Station

DATE / TIME: August 9, 2008 / 0130 hours

LOCATION: Pit Stop Bar
1525 West Avenue K
Lancaster, 93534

DEPARTMENT KNOWLEDGE DATE: August 9, 2008

ALLEGATIONS
On August 9, 2008, Deputy Ernie Serrano was placed under private person's arrest by Lancaster Station personnel for Sexual Battery. As a result, it is alleged that Deputy Serrano's involvement in this off-duty incident was in violation of the Department's Manual of Policy and Procedures.

POLICY SECTIONS

1.	General Behavior	MPP 3-01/030.05
2.	Disorderly Conduct	MPP 3-01/030.06
3.	Obedience to Laws, Regulations and Orders	MPP 3-01/030.10

SYNOPSIS
On August 9, 2008, Deputy Ernie Serrano was placed under private person's arrest by Lancaster Station personnel for Sexual Battery, 243.4(e)(1) PC. The arrest occurred when two women alleged that Deputy Serrano grabbed their buttocks while at the Pit Stop Bar. Prior to his arrest that evening, Deputy Serrano was physically assaulted by a friend of one of the victims who confronted Deputy Serrano regarding the sexual battery inside the bar. Following Deputy Serrano's off-duty arrest, a criminal monitor was initiated by Marina Del Rey Station during the adjudication process. On December 22, 2008, Deputy Serrano plead "Nolo Contendere" to two counts of misdemeanor Battery, 242 PC, in Department A11 of the Antelope Valley Court. As a result, Deputy Serrano was convicted of these charges and was sentenced to the following:

- 3-years summary probation;
- Fined;
- Ordered to attend Sexual Impulse Counseling and Anger Management classes;
- Ordered to attend weekly AA meetings for a period of one-year;
- Perform 100 hours of community service and;
- Served with a restraining order to stay away from the two female victims in this case, as well as the Pit Stop Bar.

Following Deputy Serrano's conviction and sentencing on these charges, the criminal monitor was concluded and an administrative investigation into the alleged policy violations was initiated. See **[Exhibit A]** for the completed criminal monitor on this case.

COMPLAINANT INTERVIEW

Complainant [redacted] was interviewed by phone on July 17, 2009, by Internal Affairs Bureau Sergeant Dana Chemnitzer. The following is a summary of that telephone interview:

Complainant [redacted] said she was a bartender/manager at the Pit Stop Bar when Deputy Serrano was arrested on August 9, 2008. [redacted] said prior to Serrano's arrest, [redacted] knew Serrano as a patron who frequented the bar approximately two - three times a week, for about two - three months leading up to the night of his arrest. [redacted] said she remembered Serrano because his behavior stood out from other patrons at the bar. She went on to say there were a number of occasions when Serrano would stare at women customers who were obviously at the bar with their [redacted] or [redacted] said Serrano tried to be like a "hotshot" while at the bar and would make comments and advances toward women customers that would be considered getting too close into their personal space, making them feel uncomfortable. She recalled customers making complaints about Serrano's behavior, commenting that customers would ask, "Who is that creep?" (referring to Serrano).

[redacted] said Serrano would often times come into her bar later in the evening, and would appear as though he had been drinking alcohol somewhere else prior to coming into her bar, as evidenced by his bloodshot eyes, slurred speech and body language. She further described Serrano's behavior as grabby, rude and piggish when he was at the bar, stating that even if Serrano came to the bar with a woman, his behavior toward the other women customers was always consistent.

[redacted] stated there were occasions when she either had to refuse Serrano service because of his sobriety level, or actually ask him to leave the bar because of his behavior toward the women customers; recalling an instance when Serrano made unwanted advances toward a group of [redacted] at the bar while their [redacted] were playing darts in another area of the bar. [redacted] said when she refused Serrano service or asked him to leave the bar, he would raise his voice and become

"standoffish" stating, "You don't know who I am." However, Serrano would eventually leave the bar at the request of security personnel, or at the mention of calling the police. [redacted] went on to describe another occasion when Serrano came into the bar with a woman who was dressed really offensive, wearing next to nothing. [redacted] later discovered both Serrano and the woman in a bathroom stall inside the women's restroom, both half naked. Because of this, [redacted] told Serrano and the woman they had to leave the bar. Embarrassed by being caught, Serrano and the woman left the bar as asked.

[redacted] said on the night of August 7, 2008, Serrano came into the bar while [redacted] was working. During that evening, Serrano made a comment to [redacted] (she could not recall what that comment was) which caught her attention. [redacted] said she responded to Serrano's comment by telling him he needed to behave himself. As [redacted] turned around to walk away, Serrano grabbed [redacted] buttocks. She said at that point she immediately scolded Serrano and told him he needed to leave the bar. [redacted] said the situation escalated a little bit when Serrano stood up to [redacted] and got in her face. One of the bigger male customers then approached Serrano and told him he needed to leave, at which time Serrano left the bar. The following night, on August 8, 2008, Serrano returned to the bar, at which time [redacted] told Serrano that if he even looked twice at any of the female customers or acted inappropriately in any way, he'd be kicked out of the bar forever. [redacted] said Serrano understood what she was telling him and didn't comment on or apologize for his behavior toward [redacted] the previous night.

Later that evening, now into August 9th, [redacted] saw Serrano grab a female customer's buttocks. [redacted] said that was it for her, and at that moment, she knew she was going to kick Serrano out of the bar. However, she said she got tied up cashing someone out, and when she turned back toward Serrano several minutes later, he had his head down on the bar. It was at that time when [redacted] noticed Serrano was bleeding from the nose and learned that someone had punched him after he grabbed the woman's buttocks. Serrano was then escorted out of the bar by the security staff and shortly thereafter deputies from the Lancaster Sheriff's Station responded. While Lancaster Station personnel were conducting their investigation, [redacted] informed them that Serrano sexually assaulted her while at the bar on the previous night, and told the deputies that she also saw Serrano sexually assault a female customer on that night. [redacted] said it was at this time when she learned that Serrano was a deputy sheriff, and said if she had known that previously, she would have made a phone call regarding his prior acts of inappropriate behavior at the bar leading up to the night of his arrest. For further information, refer to Complainant [redacted] verbatim transcription submitted with this case.

Complainant [redacted] was unavailable for an interview during this administrative investigation. Several attempts were made to contact her for an interview through the contact information on file for her. However, all of the telephone numbers listed for both her and her [redacted] have been disconnected or changed to a

different party. (For further information regarding Complainant [redacted] statements related to this incident, see Detective Sheppard's Follow-Up Supplemental Report included with the completed criminal monitor for this case)

WITNESS INTERVIEW

Witness [redacted] was interviewed by phone on July 17, 2009, by Internal Affairs Bureau Sergeant Dana Chemnitzer. The following is a summary of that telephone interview:

Witness [redacted] said she was a bartender at the Pit Stop Bar when Deputy Serrano was arrested on August 9, 2008. [redacted] said prior to Serrano's arrest, [redacted] knew Serrano as a patron who had frequented the bar, primarily on weekend nights, over the course of the last six months to a year before his arrest. [redacted] said Serrano did not conduct himself like other off-duty deputies she had seen in the past, commenting that he acted like a party animal, and because of this, [redacted] said she would have never guessed Serrano was a law enforcement officer, judging by the way he conducted himself in the bar. [redacted] went on to describe Serrano as someone who would drink quite a lot, get loud and act belligerent. She said Serrano was a very cocky, arrogant kind of guy who would put himself on a pedestal and treated [redacted] very rudely when she served him. [redacted] said she didn't recall anyone making complaints about Serrano, but knew a lot of people didn't care for him.

[redacted] said on the night of August 8, 2008, into the early morning hours of August 9th, Serrano was assaulted at the bar by a regular customer named [redacted] later learned that Serrano had allegedly grabbed [redacted] buttocks, prompting [redacted] to confront and subsequently assault Serrano over the incident. [redacted] said she witnessed the assault on Serrano by [redacted] but did not see Serrano grab anyone's buttocks. [redacted] went on to say that approximately 20 minutes prior to Serrano being assaulted, [redacted] coworker (Complainant [redacted] had told her that Serrano had grabbed her buttocks earlier that same evening. [redacted] said security staff escorted Serrano outside the bar after he was assaulted by [redacted] at which time an unknown person who was with Serrano that night stated Serrano was a deputy and that guy's in a lot of trouble, referring to [redacted] concluded by saying that she has not seen Serrano at the Pit Stop Bar since the night of his arrest. For further information, refer to Witness [redacted] verbatim transcription submitted with this case.

SUBJECT INTERVIEW

Subject Deputy Ernie Serrano was interviewed on June 22, 2009, by Internal Affairs Bureau Sergeants Dana Chemnitzer and Trent Denison at Internal Affairs Bureau. The following is a summary of that interview:

Subject Serrano said he went to the Pit Stop Bar on August 8, 2008. While at the bar later that evening, now into the early morning hours of August 9th, Serrano said he was approached by an unknown man who asked Serrano if he had grabbed a woman's ass

at the bar. Serrano said no, at which time he was sucker punched in the face by the unknown man. Serrano said security staff escorted him outside, where he called 911 on his cell phone and awaited the arrival of personnel from the Lancaster Sheriff's Station. During their investigation, a field sergeant informed Serrano that he was being placed under a private person's arrest by two females who alleged that Serrano had sexually assaulted them in the bar by grabbing their buttocks. Serrano said he was then transported to Lancaster Sheriff's Station and booked for Sexual Battery at the direction of a lieutenant from his unit of assignment (Marina Del Rey Station). He said he was taken to the bar that evening by a friend, as Serrano had been drinking at another bar before arriving at the Pit Stop Bar. He did not know how many beers he had consumed that night prior to being assaulted.

[redacted]

Serrano said prior to this incident on August 9, 2008, he had been to the Pit Stop Bar approximately 10 times, and said he really didn't go to that bar that often. He said he had never been refused service or asked to leave the bar by any employees at any time during his prior visits to the bar. Serrano said he knew Complainant [redacted] as one of the bartenders at the Pit Stop Bar. He recalled going to the Pit Stop Bar on the previous night (August 7, 2008) and seeing Complainant [redacted] working that night, but denied ever grabbing her buttocks or physically touching her in any way. Serrano said Complainant [redacted] never approached him while at the Pit Stop Bar on August 8, 2008, and talked to him about making inappropriate comments or behaving inappropriately toward female customers at the bar.

Serrano said he did not know Complainant [redacted] and denied ever grabbing her buttocks or physically touching her in any way. He said he later learned the man who assaulted him at the bar on August 9, 2008 was the cousin of Complainant [redacted]

IAB Note: The man who assaulted Serrano [redacted] was actually the cousin to Complainant [redacted]

Serrano said he believes Complainants [redacted] and [redacted] as well as [redacted] were all friends with each other. He said he believes Complainant [redacted] knew Serrano was a deputy sheriff from prior conversations with her at the Pit Stop Bar, and denied ever identifying himself to anyone inside the bar on the night of his arrest. Serrano believes [redacted] assaulted him because he was a law enforcement officer, and feels Complainants [redacted] and [redacted] falsely accused Serrano of sexually

assaulting them to protect their friend ([redacted] from getting in trouble for assaulting Serrano. Serrano said he feels he is innocent of the charges he was convicted of, and stated he plead No Contest to the charges, rather than Not Guilty, at the advice of his attorney. When asked why his attorney would advise him to make such a plea if he was innocent, Serrano's attorney during this interview (Elizabeth Gibbons), interrupted and said that information between Serrano and his criminal attorney was privileged. As a result, Serrano refused to address the question of why his attorney advised him to plead No Contest to the criminal charges.

Serrano characterized the level of his off-duty alcohol consumption at the time of this incident as someone who would only drink on his days off. He said he would drink a variety of alcohol and, at times, he would drink to the point where he would become intoxicated. On the night of this incident, following his arrest, Serrano came to the realization that he was an alcoholic. He said through the help of AA, he has been sober ever since the night of this incident on August 8, 2008.

Serrano said at the time of this interview, he had paid all of the fines and fees ordered by the court as part of his sentencing for this arrest, and was in-line to complete all of the court-ordered community service hours, Sexual Impulse Counseling and Anger Management classes as scheduled. For further information, refer to Subject Serrano's verbatim transcription submitted with this case.


Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



September 23, 2009

Deputy Ernie Serrano, #[redacted]

Dear Deputy Serrano:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business October 15, 2009.

Combined investigations under IAB File Numbers [redacted] and 2225805, conducted by Internal Affairs Bureau, coupled with your own statements, have established the following:

[redacted]

<u>IAB File Number 2225805</u>

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.06, Disorderly Conduct; and/or 3-01/030.07, Immoral Conduct; and/or 3-01/030.10,

Obedience to Laws, Regulations and Orders; and/or 3-01/030.15, Conduct Toward Others, on or about August 7 2008 and August 9, 2008, while off duty and intoxicated at the "Pit Stop" Bar in the City of Lancaster, you failed to treat a female bartender, Ms. [redacted] and a female customer, Ms. [redacted] in a courteous and/or civil and/or respectful manner, and/or touched them in an inappropriate or sexual manner, resulting in your arrest for sexual battery, as evidenced by, but not limited to:

a) grabbing and/or placing your hand on [redacted] buttocks as she turned to walk away from you on or about August 7, 2009, and/or;

b) grabbing and/or placing your hand on [redacted] buttocks on or about August 9, 2009, resulting in a friend of Ms. [redacted] assaulting you and breaking your nose.

As a result of your actions, security personnel escorted you from the premises. A Lancaster Station field sergeant informed you that you were being placed under private person's arrest by two females for sexual assault. You were transported to Lancaster Sheriff's Station and booked for Sexual Battery. On December 22, 2008, you pled "nolo contendere" to two counts of misdemeanor 242 P.C., Battery. Your failure to maintain a level of moral conduct that is in keeping with the highest standards of the law enforcement profession has brought discredit upon yourself and the Los Angeles County Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During an Internal Investigation, on or about June 22, 2009, during your subject interview, you made false and/or misleading statements to investigators, including but not limited to:

a) that you were never asked to leave the "Pit Stop" Bar on or before August 9, 2009, and/or;

b) that you never grabbed or touched [redacted] buttocks and/or never physically touched her in any way, and/or;

c) that [redacted] never approached you on August 8, 2008, to inform you that if you did not stop making inappropriate comments, you would have to leave the bar, and/or;

d) that you never grabbed or touched [redacted] buttocks and/or never physically touched her in any way.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Cecil Rhambo on October 13, 2009, at 1500 hours, in his office, which is located at Sheriff's Headquarters Building, 4700 Ramona Boulevard, Monterey Park, on the 4th Floor. If you are unable to appear at the scheduled time and wish to schedule some other time prior to October 13, 2009, for your oral response, please call Chief Rhambo's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Rhambo's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Rhambo's office by no later than October 13, 2009.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Karyn Mannis

Karyn Mannis, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

KM:lh

c: Advocacy Unit
Employee Relations Unit
Chief Cecil Rhambo, FORII
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2220206 and 2225805)



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES



October 4, 2010

RECEIVED
OCT 07 2010
ADVOCACY UNIT

NOTICE OF CIVIL SERVICE COMMISSION DECISION

Meeting of September 29, 2010

ITEM NO. 24:

Petition of ***ERNIE SERRANO*** *for a hearing on his* ***discharge,*** *effective October 15, 2009, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 09-1439**.

COMMISSION DECISION:

THE PETITIONER'S ATTORNEY, DEBORAH SCHILD, WITHDREW THE REQUEST FOR CERTIFICATION OF ADDITIONAL ISSUES. THE COMMISSION GRANTED THE DEPARTMENT'S MOTION TO DISMISS FOR LACK OF JURISDICTION PURSUANT TO ZUNIGA.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure, as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Lawrence D. Crocker

Lawrence D. Crocker
Executive Director

c: Ernie Serrano
Deborah B. Schild
Christopher Keosian



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

October 21, 2009

Deputy Ernie Serrano, #[redacted]

Dear Deputy Serrano:

On September 23, 2009, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Numbers IAB[redacted] and 2225805. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, your Division Chief determined that the recommended action is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on October 15, 2009.

Combined investigations under IAB File Numbers [redacted] and 2225805, conducted by Internal Affairs Bureau, coupled with your own statements, have established the following:

[redacted]



[redacted]

Deputy Ernie Serrano , #[redacted]

IAB File Number 2225805

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.06, Disorderly Conduct; and/or 3-01/030.07, Immoral Conduct; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders; and/or 3-01/030.15, Conduct Toward Others, on or about August 7 2008 and August 9, 2008, while off duty and intoxicated at the "Pit Stop" Bar in the City of Lancaster, you failed to treat a female bartender, Ms. [redacted], and a female customer, Ms. [redacted], in a courteous and/or civil and/or respectful manner, and/or touched them in an inappropriate or sexual manner, resulting in your arrest for sexual battery, as evidenced by, but not limited to:

   a) grabbing and/or placing your hand on [redacted] buttocks as she turned to walk away from you on or about August 7, 2008, and/or;

   b) grabbing and/or placing your hand on [redacted] buttocks on or about August 9, 2008, resulting in a friend of Ms. [redacted] assaulting you and breaking your nose.

   As a result of your actions, security personnel escorted you from the premises. A Lancaster Station field sergeant informed you that you were being placed under private person's arrest by two females for sexual assault. You were transported to Lancaster Sheriff's Station and booked for Sexual Battery. On December 22, 2008, you pled "nolo contendere" to two counts of misdemeanor 242 P.C., Battery. Your failure to maintain a level of moral conduct that is in keeping with the highest standards of the law enforcement profession has brought discredit upon yourself and the Los Angeles County Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During an Internal Investigation, on or about June 22, 2009, during your subject interview, you made false and/or misleading statements to investigators, including but not limited to:

   a) that you were never asked to leave the "Pit Stop" Bar on or before August 9, 2008, and/or;

   b) that you never grabbed or touched [redacted] buttocks and/or never physically touched her in any way, and/or;

c) that [redacted] never approached you on August 8, 2008, to inform you that if you did not stop making inappropriate comments, you would have to leave the bar, and/or;

d) that you never grabbed or touched [redacted] buttocks and/or never physically touched her in any way.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

LARRY L. WALDIE
UNDERSHERIFF

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

LLW:RAA:KM:md

c: Advocacy Unit
Cecil W. Rhambo Jr., Chief, Field Operations Region II
Victory Oceal, Captain, Marina Del Rey Station
Internal Affairs Bureau
Office of Independent Review (OIR)
Joseph F. Fennell, Captain, Personnel Administration